

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

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|-----------------------------------|---|------------------------|
| LEROY JUNIOR MOORE, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | 2:13-cv-693-KOB |
| |) | |
| BIRMINGHAM PUBLIC LIBRARY, |) | |
| |) | |
| Defendant. |) | |

MEMORANDUM OPINION

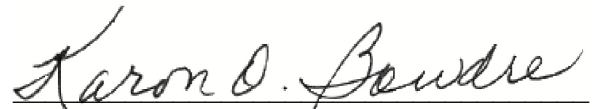
The Plaintiff Leroy Junior Moore, pro se, filed this action alleging that the Defendant Birmingham Public Library violated his civil rights under 42 U.S.C. § 1983 by wrongfully expelling him from the library premises for allegedly harassing library employees. (Doc. 1). His complaint also includes state law claims for defamation, slander, wrongfully withholding evidence, and unlawful arrest based on the Defendant's actions. *Id.* The Defendant filed a motion to dismiss (doc. 6) arguing that the Plaintiff's action is barred pursuant to res judicata and claim preclusion, and the Plaintiff responded to the motion to dismiss (doc. 11). The magistrate judge filed his report and recommendation on July 16, 2013 (doc. 13) recommending that the court grant the Defendant Birmingham Public Library's motion to dismiss (doc. 6) because the action is barred by res judicata and claim preclusion. No party has filed any objections.

After careful consideration and de novo review of the entire record in this case, including the magistrate judge's report and recommendation, the court hereby ADOPTS the report of the magistrate judge. The court further ACCEPTS the recommendation of the magistrate judge to

grant the Defendant's motion to dismiss. The court agrees with the magistrate judge's well-reasoned recommendation that res judicata and claim preclusion prevent the Plaintiff from re-litigating the same claims Judge Kallon dismissed or any claims arising from the same nucleus of operative facts that could have been litigated in the prior case by the Plaintiff against the Library. Therefore, the court finds that the Defendant's motion to dismiss is due to be granted.

The court will enter a separate Order in conformity with this Memorandum Opinion.

DONE and ORDERED this 8th day of August, 2013.


KARON OWEN BOWDRE
UNITED STATES DISTRICT JUDGE